S.B. Civil Misc. Appeal No.233/2005

Pyarelal vs. Gotam Lal and others.

Date : 27.7.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. T Gupta, for the appellant.

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Heard learned counsel for the appellant.

The Tribunal awarded compensation of Rs.55,000/- to the appellant on account of injuries which he suffered in the accident. By this appeal, the appellant prays for enhancement of the compensation amount.

In this case, the appellant suffered few injuries in the accident which occurred on 27.2.2000 and the doctor certified that the appellant suffered permanent disablement of 10% only. As per the statement of appellant, he suffered injuries on his head, chest, hip, legs and on ribs. It is claimed that four ribs were broken in the accident. The appellant produced the medical bills of Rs.5,000/- only but the Tribunal, influenced by the disability certificate of 10%, awarded compensation of Rs.20,000/- on this account. The Tribunal also awarded compensation of Rs.20,000/- for loss of income despite the fact that the appellant did not produce any material evidence to prove his income. The Tribunal awarded compensation of Rs.8,000/- on account of disability which the appellant suffered and also awarded compensation of Rs.5,000/- on account of mental and

physical agony. By this, a total of Rs.90,000/- has been awarded to the appellant as compensation.

Looking to the injuries which the appellant suffered as well as the disability, I do not think that the compensation awarded by the Tribunal can be said to be low in any manner. The compensation awarded is just and adequate.

Accordingly, this appeal, having no merit, is hereby dismissed.

Keep this file a/w S.B. Civil Misc. Appeal No.230/2005.

(PRAKASH TATIA), J.

S.Phophaliya